

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JEDSON EDWARD LEIST,)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:22-cv-544-HEH
)	
UNKNOWN,)	
)	
Defendant.)	

**MEMORANDUM OPINION
(Dismissing Action Without Prejudice)**

Plaintiff, a federal inmate proceeding *pro se*, filed a letter in the United States District Court for the Northern District of Georgia complaining about various aspects of his conditions of confinement in FCI Petersburg. The Northern District of Georgia construed his letter as an action brought pursuant to 28 U.S.C. § 1361,¹ and transferred the action to this Court. However, in the letter, Plaintiff failed to identify the procedural vehicle that authorized the various actions that he was seeking.

By Memorandum Order entered on August 22, 2022, the Court directed the Clerk to mail a standardized form for filing a *Bivens*² complaint to Plaintiff and instructed Plaintiff to complete and return the form if he wished to pursue such an action. The Court also explained that if, instead, Plaintiff wished to pursue the action as a petition for a writ of mandamus, he must notify the Court of his desire to pursue mandamus relief and

¹ “The district court shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361.

² *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

file a petition for a writ of mandamus that complied with Federal Rule of Civil Procedure Rule 8(a). The Court directed Plaintiff to file either a *Bivens* complaint or a petition for a writ of mandamus within thirty (30) days of the date of entry hereof or else the action would be dismissed. *See* Fed. R. Civ. P. 41(b).

More than thirty (30) days have elapsed and Plaintiff has not complied with the directives of the Court or otherwise responded. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

HENRY E. HUDSON
SENIOR UNITED STATES DISTRICT JUDGE

Date: Oct. 4, 2022
Richmond, Virginia